

IN THE DRAWINGS

Please add Figures 3 and 4 with the attached NEW sheets for these figures. The NEW sheets incorporate the methods in the claims. A description of the NEW sheets is provided in the Remarks section that follows below.

REMARKS

Claims 1, 2, and 5-17, as amended, are currently pending in the present application. In this Response, Applicant has amended certain claims to clarify features of one aspect of the present invention. In addition, Applicant has provided remarks that explain some of the differences between the present invention and the references cited by the Examiner. In light of these differences, Applicant submits that the present application is in condition for allowance.

THE OBJECTIONS TO THE DRAWINGS

The drawings are objected to under 37 C.F.R. § 1.83(a). FIGS. 3-4 have been added to address the drawing objection. In particular, FIG. 3 has been added to depict the method of original claim 1. FIG. 4 has been added to depict the method of original claim 14. No new matter is believed to have been added by these changes. Accordingly, withdrawal of the drawing objection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 112

The Rejections Under § 112(1)

At pages 5-6 of the Office Action, the Examiner rejected claims 1, 2, 5-17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the Written Description requirement. Specifically, the Examiner states that there is no support for the recitation in claim 1 of determining whether the parts were placed on the sensor in a sequence when it is determined that the sets match and when the plurality of parts are placed within the predetermined period of time of one another. Office Action at Page 5. The Examiner also could not find support for the recitation in claim 14 that it is determined whether the sequence of data sets are in a specified order when it is determined that the data sets match and that the determining whether the sets are in a specified order also occurs when the data sets are obtained within the predetermined period of time. *Id.*

As shown above, Applicant has amended claims 1 and 14 to clarify that one aspect of the present invention confirms, after confirmation that the fingerprints belong to the user, that the fingerprints were placed on the sensor in the required order. *See, e.g.,* Written Description at Page 5, lines 24-29. Thus, claims 1 and 14 have been clarified so that it is evident that the subject matter recited therein is clearly disclosed by the Written Description of the present invention. As such, reconsideration and withdrawal of the § 112(1) rejections is respectfully requested.

The Rejections Under 35 U.S.C. § 112(2)

At page 6 of the Office Action, the Examiner rejected claims 1-2, 5-6, and 14-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserted that claim 1, which recites a method comprising a processor, is unclear because methods are comprised of steps, not objects. Additionally, the Examiner asserted that claim 14 recited “the method” in line 1 without sufficient antecedent basis.

In response, Applicant has amended claim 1 to reflect the step instead of the object. Applicant has also amended claim 14 to provide the proper antecedent basis. In light of these amendments, Applicant submits that the Examiner’s § 112(2) rejection has been overcome. Claims 2, 5-6, which depend from claim 1, and 15-17, which depend from claim 14, have now likewise overcome the § 112(2) rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 102

At pages 7-10 of the Office Action, the Examiner rejected claims 1, 2, 6, 7, 11, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,944,773 (“Abrahams”). For at least the reasons set forth below, Applicant submits that the Examiner’s rejections have been overcome.

Abrahams discloses a method of online authentication that includes having a user present one or more fingerprints for authentication during an online transaction. *See* Abstract. As one feature, Abrahams allows a time-out loop to be used. *See* Col. 6, lines 4-5. The time-out loop would require that the user enter the requested fingerprint within a predetermined amount of time. *Id.* at Col. 6, lines 5-7. If the time-out loop expires before the user enters the requested fingerprint, the user would not be authenticated. *Id.* at Col. 6, lines 7-9. In other words, Abrahams discloses a time-out loop that requires a fingerprint to be input within a predetermined time of when the fingerprint is requested. Abrahams is completely silent as to determining whether the fingerprints are entered within a predetermined time period of one another.

In contrast, as recited by independent claims 1, 7, and 14, one aspect of the present invention includes determining whether the fingerprints are required within a predetermined period of time of one another. *See, e.g.*, Written Description at Page 4, line 31 – Page 5, line 2; Page 6, line 6 – Page 6, line 8. Abrahams does not teach or suggest this feature of the present invention. In other words, the present application discloses that “[i]n order to authenticate his identity, the user must then place each of his required fingerprints on the

fingerprint sensor 1 in sequence and in the correct order.” *Id.* at Page 4, lines 31-33. Additionally, “...each fingertip of the user must be placed on the fingerprint sensor within a predetermined time period.” When read in its entirety, a skilled artisan will understand that the “predetermined time period” disclosed by the present application refers to the time period in which each of the fingerprints are placed on the fingerprint sensor.

Abrahams, in contrast, discloses a time period between the request of a fingerprint and the entry of the fingerprint, no the time between entry of successive fingerprints. *See*, Abrahams, Col. 6, lines 4-13. Because Abrahams fails to teach each and every feature of the present invention recited by the claims, Applicant submits that the Examiner’s § 102 rejection has been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 5, 8, 9, and 17 were also rejected under 35 U.S.C. § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 6,393,139 to Lin *et al.* (“Lin”). Claim 10 was also rejected under 35 U.S.C. § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 5,864,296 to Upton (“Upton”). Finally, claim 12 was rejected under § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 5,594,806 to Colbert (“Colbert”).

As set forth above, however, Abrahams fails to teach or suggest each and every feature of the present invention recited by the claims. Lin does not teach or suggest determining whether fingerprints are entered within a predetermined time period of one another. Upton and Colbert similarly fail to cure the deficiencies of Abrahams. As such, Applicant submits that the Examiner’s § 103 rejections have also been overcome. Reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. Applicant invites the Examiner to contact the undersigned attorneys to discuss any issues pertaining to the patentability of the pending claims. A Petition for Extension of Time is submitted herewith extending the period for response three months to and including December 27, 2010. No other fees are believed to be due at this time. Should any other fees be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5231-094-US01.

Respectfully Submitted,



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